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Attorneys for Defendants studiVZ Ltd.,
Holtzbrinck Networks GmbH, and
Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Hon. Jeremy Fogel

**EVIDENTIARY OBJECTIONS TO
DECLARATION OF JULIO C.
AVALOS**

Date: March 3, 2009
Time: 10:00 a.m.
Dept./Place: Courtroom 2, 5th Floor
Hon. Howard R. Lloyd

Complaint Filed: July 18, 2008

1 Defendants StudiVZ Ltd., Holtzbrinck Networks GmbH, and Holtzbrinck
2 Ventures GmbH (collectively, “Defendants”) hereby object to the January 27, 2009
3 Declaration of Julio C. Avalos (the “Declaration”) submitted by plaintiff Facebook,
4 Inc. (“Facebook”) in support of Facebook’s Motion to Compel Defendants to Fully
5 Respond to Interrogatories and to Produce Documents and Things Pursuant to Civil
6 L.R. 7-1 and 37-1, as follows:

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8 1. Defendants object to the entirety of Paragraph 5 of the Declaration,
9 including the attached Exhibit 1, on the grounds of lack of proper authentication,
10 lack of personal knowledge by either Mr. Avalos or the author of the article he
11 references, and on the grounds that it constitutes inadmissible hearsay.

12 2. Defendants object to the entirety of Paragraph 6 of the Declaration,
13 including the attached Exhibit 2, on the grounds of lack of proper authentication,
14 lack of personal knowledge by either Mr. Avalos or the author of the webpage he
15 references, and on the grounds that it constitutes inadmissible hearsay.

16 3. Defendants object to the entirety of Paragraph 7 of the Declaration,
17 including the attached Exhibit 3, on the grounds of lack of personal knowledge,
18 lack of foundation, lack of proper authentication, and on the grounds that it
19 constitutes inadmissible hearsay.

20 4. Defendants object to the entirety of Paragraph 8 of the Declaration,
21 including the attached Exhibit 4, on the grounds of lack of proper authentication,
22 lack of personal knowledge by either Mr. Avalos or the author of the article he
23 references, and on the grounds that it constitutes inadmissible hearsay.

24 5. Defendants object to the entirety of Paragraph 13 of the Declaration,
25 including the attached Exhibit 8, on the grounds of lack of foundation and lack of
26 proper authentication.

27 6. Defendants object to the entirety of Paragraph 39 of the Declaration,
28 including the attached Exhibit 11, on the grounds of lack of foundation and lack of

1 proper authentication.

2 7. Defendants object to the entirety of Paragraph 40 of the Declaration,
3 including the attached Exhibit 12, on the grounds of lack of foundation and lack of
4 proper authentication.

5 8. Defendants object to the entirety of Paragraph 41 of the Declaration,
6 including the attached Exhibit 13, on the grounds of lack of foundation and lack of
7 proper authentication.

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9 DATED: February 25, 2008

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

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11 By: /s/ Stephen S. Smith
12 **STEPHEN S. SMITH**
13 Attorneys for Defendants studiVZ Ltd.,
14 Holtzbrinck Networks GmbH, and
15 Holtzbrinck Ventures GmbH
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